

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of:

Rules and Regulations Implementing the  
Telephone Consumer Protection Act of  
1991

CG Docket No. 02-278

**COMMENTS OF TOM MAHONEY**

I, Tom Mahoney, make the following comments in opposition to the petition filed by All About The Message, LLC Petition (“AALM”) (“Petition”).

1. I am the named plaintiff in a putative class action lawsuit styled *Tom Mahoney, individually and on behalf of a class v. TT of Pine Ridge, Inc.*, No. 9:17-cv-80029 in the United States District Court for the Southern District of Florida.

2. During 2016, I received four voicemail messages from TT of Pine Ridge, Inc. dba Naples Nissan ("Naples Nissan"). The messages were sent by AALM, the petitioner in this docket.

3. Attached as Exhibit 1 is a copy of the voicemail notification I received on my phone with regard to the message left on December 28, 2016 and a copy of the notification I received when I accessed the message left on December 28, 2016. The document shows that the voicemail was almost one minute in length.

4. The text of the message is as follows:

Four days left of the giant clearance sale at Naples Nissan off Pine Ridge Rd. in beautiful Naples, Florida exit 107 off 75. That's right 0% for 72 months ends Saturday night 12-31 at 9:00 p.m. 0% for 72 months gives you a payment of 349 per month out the door, not one penny down on a new Altima or Rogue or lease for 36 months for 279 per month. That's right, take advantage of these last four days of the giant year-end clearance sale at Naples Nissan. Plus, play this message on the showroom floor and get an additional \$500 Visa card for just playing the message with your purchase or lease of a new Nissan. We will see you soon, 4 days to go. Thank you for listening. Naples Nissan, giant four-day year-end clearance sale.

5. I had no prior business connection with Naples Nissan and did not provide any cell phone number to Naples Nissan. Additionally, I did not give my express written consent to receive the telemarketing messages from Naples Nissan.

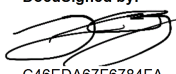
6. My daughter received at least three voicemail messages from Naples Nissan in the second half of 2016. Her cellphone transcribes the voicemail messages and delivers them to her as written text.

7. My daughter had no prior business connection with Naples Nissan and did not provide any cell phone number to Naples Nissan. Additionally, she did not give her express written consent to receive the telemarketing messages from Naples Nissan.

8. At the time I received these messages I was unaware that Naples Nissan was using direct to voicemail technology. I am opposed to the Petition filed by AATM and do not believe it should be granted.

9. If “ringless voicemails” are not regulated under the TCPA, I and other consumers will continue to be subject to the type of robo-marketing engaged in by Naples Nissan. This seems to me to be against the principles and goals of the TCPA.

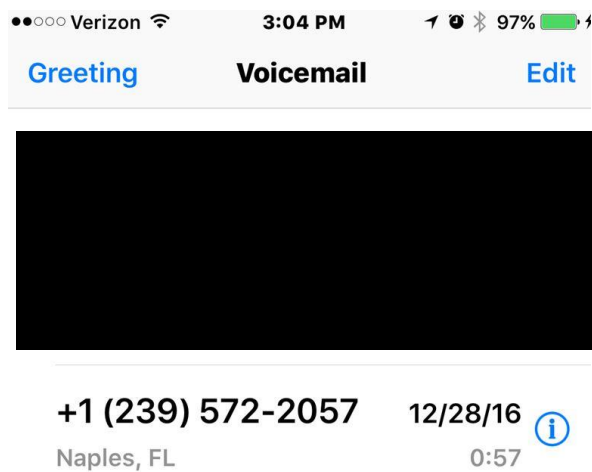
Executed on 5/18/2017 | 10:08 AM CDT \_\_\_\_\_.

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\_\_\_\_\_  
Tom Mahoney

## Exhibit 1

### Notification of Voicemail



### Download of Voicemail

